

The Honorable Mary Jo Heston
Chapter 7
Hearing Location: Tacoma
Hearing Date: September 17, 2018
Hearing Time: 9:00 a.m.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

In re:

Heather Ann Stewart,

Debtor.

Case No. 17-41711-MJH

Chapter 7

CONDITIONAL NON-OPPOSITION TO
MOTION TO SELL

COMES NOW THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, INDENTURE TRUSTEE ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2007-C through its servicing agent Bank of America, N.A. ("Creditor"), and files this Conditional Non-Opposition to Motion to Sell involving the property located at 8305 Cirque Drive W. Unit 5, University Place, WA 98467 (the "Property").

Creditor has no fundamental opposition to the Trustee's Motion to Sell. However, Creditor request that it stipulate to the form of an order requiring that either the amounts secured by the lien of Creditor are paid in full, or, paid in such amount as Creditor agrees to in writing and pursuant to the terms and conditions of an approved short sale

Creditor's conditional response is submitted pursuant to 11 U.S.C. § 363(f), prohibiting sale for less than the total amount owed a secured creditor absent consent or other applicable condition of law or fact.

Therefore, Creditor respectfully requests that the Court grant the Motion to Sell, subject

1 o inclusion of the express conditions listed above; or, in the alternative, The Court deny the
2 Motion to Sell in its entirety.

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4 Dated: September 7, 2018

McCarthy & Holthus, LLP

5 /s/ Lance E. Olsen

Lance E. Olsen, Esq. WSBA 25130

6 Michael S. Scott, Esq. WSBA 28501

7 Kathy Shakibi, Esq. WSBA 49381

8 Attorneys for Creditor
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1 **CERTIFICATE OF SERVICE**

2 On 9/11/2018, I served the foregoing CONDITIONAL NON-OPPOSITION TO MOTION TO SELL on
3 the following individuals by electronic means through the Court's ECF program

4 **TRUSTEE**

5 Kathryn A Ellis
kae@seanet.com

DEBTOR'S COUNSEL

Dorothy A. Bartholomew
assistant@findbankruptcy.com

6 **I declare under penalty of perjury under the laws of the United States of America that the foregoing**
7 **is true and correct.**

8 /s/ Amy Shaw

Amy Shaw

9 On 9/11/2018, I served the foregoing CONDITIONAL NON-OPPOSITION TO MOTION TO SELL on
10 the following individuals by depositing true copies thereof in the United States mail at San Diego, California,
11 enclosed in a sealed envelope, with postage paid, addressed as follows:

12 **DEBTOR**

Heather Ann Stewart, 8305 Cirque Drive W. Unit 5, University Place, WA 98467

13 **US TRUSTEE**

14 700 Stewart St Ste 5103, Seattle, WA 98101

15 **I declare under penalty of perjury under the laws of the United States of America that the foregoing**
16 **is true and correct.**

17 /s/ Hue Banh

Hue Banh